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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EDL

5 07 70261

UNITED STATES OF AMERICA,) CRIMINAL NO. _____
Plaintiff,)
v.)
THOMAS DAVID HAGBERG,)
Defendant.)

NOTICE OF PROCEEDINGS ON
OUT-OF-DISTRICT CRIMINAL
CHARGES PURSUANT TO RULES
5(c)(2) AND (3) OF THE FEDERAL RULES
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal

19 Procedure that on May 1, 2007, the above-named defendant was arrested based upon an arrest
20 warrant (copy attached) issued upon an

Indictment

Information

Criminal Complaint

X Other (describe): Violation of Supervised Release, 18 U.S.C. § 3583

25 pending in the Eastern District of California, Case Number 00CR05371-01 OMW.

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1 In that case, the defendant is charged with a violations of Title 18, United States Code,
2 Section 3583.

3 Description of Charges: 18 U.S.C. § 3583 — Violation of Supervised Release.

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5 Respectfully Submitted,
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7 SCOTT N. SCHOOLS
8 UNITED STATES ATTORNEY

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KYLE F. WALDINGER
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

USA.

v.

THOMAS DAVID HAGBERG ,

WARRANT FOR ARREST

RECEIVED
U.S. MAIL FACILITY
MAY 01
07 APR-31 2007 11:19

To: The United States Marshal
and any Authorized United States Officer

EASTERN DISTRICT
OF CALIFORNIA
Thomas David Hagberg ,

YOU ARE HEREBY COMMANDED to arrest _____
and bring him or her forthwith to the nearest magistrate judge to answer a(n) _____

Indictment Information Violation Petition Other _____

charging him or her with (brief description of offense)

Violation of Supervised Release

In violation of Title 15 _____

United States Code, Section(s) 35:3 _____

T. Lundstrom

Name of Issuing Officer

Signature of Issuing Officer

Deputy Clerk _____

Title of Issuing Office _____

4/27/07 Presno

Date and Location _____

Bail fixed at \$No Bail _____

by Judge Oliver V. Wanger _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant _____

Date Received _____

Name and Title of Arresting Officer _____

Date of Arrest _____

Signature of Arresting Officer _____

PRB12C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIAPETITION FOR WARRANT OR SUMMONS FOR
OFFENDER UNDER SUPERVISION

Offender Name: Thomas David Hagberg
Docket Number: 1:00CR05371-01 OWW
Offender Address: Sebastopol, California
Judicial Officer: Honorable Oliver W. Wanger
Senior United States District Judge
Fresno, California
Original Sentence Date: July 21, 2003
Original Offense: Counts 1, 2, 3, and 4; 18 USC 876, Mailing Threatening Communications (CLASS D FELONY)
Original Sentence: 46 months Bureau of Prisons, 36 months supervised release, \$400 special assessment, and mandatory testing.
Special Conditions: 1) Search and seizure; 2) Drug and alcohol treatment; 3) Drug and alcohol testing; 4) Mental health treatment; 5) Copayment; 6) Submit a DNA; 7) No contact with victim.
Type of Supervision: Supervised Release
Supervision Commenced: 12/08/2006
Assistant U.S. Attorney: Vina L. Santos Telephone: (559) 497-4000
Defense Attorney: Eugene P. Harris Telephone: (213) 625-3900

I hereby attest and certify on 4/27/07
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.

VICTORIA C. MINOR
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Deputy

Rev. 05/05/07
VIOLATION PETITION
(PRB12C)M20

RE: **HAGBERG, Thomas David**
Docket Number: **1:00CR05371-001**
PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Other Court Action:

12/08/2006: Re-sentenced pursuant to Ninth Circuit remand in accordance with United States v. Ameline. Sentenced to 29 months Bureau of Prisons, credit for time served.

PETITIONING THE COURT

TO ISSUE A WARRANT
 TO ISSUE A SUMMONS
 OTHER:

The probation officer alleges the offender has violated the following condition(s) of supervision:

Charge Number **Nature of Violation**

Charge 1: FAILURE TO PARTICIPATE IN MENTAL HEALTH TREATMENT

On April 23, 2007; April 24, 2007; and April 25, 2007, the releasee failed to attend his scheduled office appointments with mental health practitioners as directed by the probation officer; a violation of special condition No. 4, "As directed by the probation officer, the defendant shall participate in a program of mental health treatment (inpatient or outpatient)."

Justification: On December 6, 2006, the releasee was re-sentenced to 29 months in the Bureau of Prisons and was released on this date to commence supervision. Due to family ties in the Northern District of California, the releasee relocated to his father's residence in Sebastopol, California. Since his release from custody, United States Probation Officer Sharon A. Alberts (USPO Alberts), has worked closely with the releasee and has contracted mental health treatment providers to secure appropriate treatment for the releasee. According to USPO Alberts, the releasee initially appeared receptive to

RE: HAGBERG, Thomas David
Docket Number: 1:00CR05371-001
**PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION**

treatment; however, in recent weeks, his mental health has significantly deteriorated. On April 14, 2007, he was treated as a psychiatric emergency patient pursuant to California Health and Safety Code Section 5150, following an incident where he rationalized that eating a creosote log would be an effective treatment for his declining mental health. Additionally, the releasee has refused to take his psychiatric medication on several occasions, stating he fears the side effects. USPO Alberts has directed the releasee to appear to his scheduled appointments with a psychiatrist to no avail. The releasee has provided no reason to the probation officer for his nonappearances and simply refuses to comply with her directives.

Considering the releasee's criminal history and the severity of his mental health condition, his probation officer is requesting the Court issue a warrant for his arrest. The releasee's failure to address his mental health issues presents a danger not only to the releasee, but to the community. It is recommended the releasee remain detained pending disposition in the instant matter.

Bail/Detention: It is recommended a No-Bail warrant be issued and the Court to detain the releasee pending disposition as he is deemed a risk to public safety and to himself.

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FOR OFFENDER UNDER SUPERVISION

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: April 26, 2007
 Fresno, California

Respectfully submitted,

/s/ Marlene K. DeOrion

MARLENE K. DEORIAN
 United States Probation Officer
 Telephone: 559-499-5729

REVIEWED BY: Bruce A. Vasquez
BRUCE A. VASQUEZ
 Supervising United States Probation Officer

THE COURT FINDS PROBABLE CAUSE AND ORDERS:

(X) The issuance of a warrant () Bail set at \$ _____ (X) No Bail
 () The issuance of a summons (copy to Defense Counsel)
 () Other:

FURTHER PROCEEDINGS REGARDING CUSTODY:

(X) Defendant is ordered detained, to be brought before District Judge forthwith.
 () Initial appearance and detention hearing before Magistrate Judge.

IT IS SO ORDERED.

Dated: April 27, 2007

/s/ Oliver W. Wanger

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UNITED STATES DISTRICT JUDGE